

## HUMAN SERVICES DEPARTMENT[441]

### Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 237.3 and 2014 Iowa Acts, House File 2463, sections 43 and 45, the Department of Human Services amends Chapter 156, "Payments for Foster Care," Iowa Administrative Code.

These amendments add minimum foster group care payment rates, as required by the appropriation to the Department in 2014 Iowa Acts, House File 2463, section 43. The minimum reimbursement rates became effective July 1, 2014.

The amount shown in new paragraph 156.9(1)"e" for the rate for service level, community - D1, is slightly higher than the minimum amount in 2014 Iowa Acts, House File 2463, because the funding provided for D1 in the Department's appropriation for foster group care supports this slightly higher rate.

Current rule allows an additional amount to cover the maintenance needs of a young child when a foster group care facility provides foster care for a mother with her young child. These amendments clarify that the additional amount is in addition to the minimum reimbursement rates effective July 1, 2014.

The Administrative Rules Review Committee reviewed these amendments on June 10, 2014.

The Council on Human Services adopted these amendments on June 11, 2014.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are impractical because the Legislature mandated that these changes become effective July 1, 2014.

Pursuant to Iowa Code section 17A.5(2)"b"(1), the Department further finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective July 1, 2014, because legislation, specifically 2014 Iowa Acts, House File 2463, sections 43 and 45, permits emergency rule making.

These amendments are also published herein under Notice of Intended Action as **ARC 1522C** to allow for public comment.

These amendments do not provide for waivers in specified situations because the legislation does not specifically allow for waivers. Requests for waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 237.3 and 2014 Iowa Acts, House File 2463, sections 43 and 45.

These amendments became effective July 1, 2014.

The following amendments are adopted.

ITEM 1. Amend paragraph **156.9(1)"c"** as follows:

c. Reimbursement rates shall be adjusted based on the provider's rate in effect on October 31, 2006, to reflect an estimate that group care providers will provide an average of one hour per day of group remedial services and one hour per week of individual remedial services. The Subject to paragraph 156.9(1)"e," the reimbursement rate shall be calculated as follows:

(1) to (7) No change.

(8) Step 8. Determine the child welfare service portion of the per diem rate by multiplying the new combined per diem rate determined in Step 6 by 14.38 percent.

EXAMPLE: Provider A has the following rates as of October 31, 2006:

- A combined daily maintenance and service rate of \$121.45;
- A Medicaid rate for service code 96153 of \$5.10 per 15 minutes, or \$20.40 per hour;
- A Medicaid rate for service code 96152 of \$19.92 per 15 minutes, or \$79.68 per hour.

Step 1.  $\$121.45 \times 365 \text{ days} = \$44,329.25$

Step 2.  $\$20.40 \times 365 \text{ days} = \$7,446.00$

Step 3.  $\$79.68 \times 52 \text{ weeks} = \$4,143.36$

Step 4.  $\$7,446.00 + \$4,143.36 = \$11,589.36$

Step 5.  $\$44,329.25 - \$11,589.36 = \$32,739.89$

Step 6.  $\$32,739.89 \div 365 \text{ days} = \$89.70$

Step 7.  $\$89.70 \times 0.8562 = \$76.80$  maintenance rate

Step 8.  $\$89.70 \times 0.1438 = \$12.90$  child welfare service rate

Provider Subject to paragraph 156.9(1)“e,” provider A’s rates are \$76.80 for maintenance and \$12.90 for child welfare services.

ITEM 2. Adopt the following new paragraph **156.9(1)“e”**:

*e.* Effective July 1, 2014, the combined service and maintenance reimbursement rate for a service level under the department’s reimbursement methodology shall be at least the amount below. If a group foster care provider’s reimbursement rate for a service level as of June 30, 2014, is more than the amount below, the provider’s reimbursement shall remain at the higher rate.

(1) For service level, community - D1, the daily rate shall be at least \$87.60.

(2) For service level, comprehensive - D2, the daily rate shall be at least \$119.09.

(3) For service level, enhanced - D3, the daily rate shall be at least \$131.09.

ITEM 3. Adopt the following new paragraph **156.9(4)“b”**:

*b.* The additional amount included in the maintenance rate for the mother by this subrule to cover the maintenance needs of the young child shall be in addition to the minimum rate provided by paragraph 156.9(1)“e.”

[Filed Emergency 6/12/14, effective 7/1/14]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/9/14.